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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,771	11/09/2001	Akito Nakatsuka	723-1211	5627
27562	7590	11/19/2007	EXAMINER	
NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			PANDYA, SUNIT	
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
11/19/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/986,771	NAKATSUKA ET AL.
	Examiner Sunit Pandya	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 September 2007.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6,8-14,16-27 and 38-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,8-14,16-27 and 38-44 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/18/07.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

This action is in response to amendment filed 9/18/2007, wherein claims 3, 11, 17, 24 & 30 have been amended.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-14, 16-27 & 38-44 rejected under 35 U.S.C. 102(e) as being anticipated by Yoshitomi et al. (US Patent 6,347,998).

Claims 1, 12-13, 26-27, 38: Yoshitomi describes a system and a method for a game machine for executing a game in response to a player's operation wherein the game comprises a display for displaying a game screen, operation switches operated by the player (figures 2-4), a communications section for performing data communications (col. 7: 66-14), a start timing synchronization section for establishing start-timing synchronization with other game machines utilized by other players in the game (col. 9-11, wherein the specific timing details are disclosed). Yoshitomi et al. also discloses information storage section for storing operation timing data previously defining an operation timing of operation switches to be operated by the player (figure 1,

elements 2-3), and a display controller for having, in response when the game is synchronously started, to display information about the operation timings of operation switches to be operated by the player based on operation timing data (figures 4-5). Yoshitomi et al. also discloses correlation evaluation means for evaluating correlation in terms of game operation with said other game machines based on the data stored in said first operation timing storage means and said second operation timing storage means [3: 48-67], wherein the game units also have determination means for determining awarded game points earned during the game competition (col. 4: 25-38 & col. 9: 40-60).

Claims 2-5, 16-20, 39: Yoshitomi et al. discloses of a game machine wherein independent evaluation section for evaluating whether the timing based on the data stored is in a predetermined range from the timing based on said operation timing data (col. 11: 30-60, 12: 39-65, 15: 30-50).

Claims 6: Yoshitomi et al. discloses of a game machine wherein information storage section stores the operation timing data defining a plurality of the operation timings of operation switches to be operated by the player, evaluation timing setting section is further provided for setting at least one of the plurality of the operation timings based on operation timing data as an evaluation timing, and operation timing storage section stores the data relating to the operation timing corresponding to evaluation timing (col. 11: 30-60, 12: 39-65).

Claims 8-21: Yoshitomi et al. discloses of a game machine wherein a communication section is used for communication (col. 8: 1-13, 48-68). Yoshitomi et

al. also discloses evaluation timing setting section is further provided for setting at least one of the plurality of the operation timings based on operation timing data as an evaluation timing, and operation timing storage section stores the data relating to the operation timing corresponding to evaluation timing (col. 11: 30-60, 12: 39-65).

Claims 9-11, 22-24: Yoshitomi et al. discloses of a game machine wherein correlation evaluation section differs a number of points to be added depending on a difference between the timing based on the data stored in first operation timing storage section and the timing based on the data stored in second operation storage section (col. 11: 30-60, 12: 39-65, 15: 30-50).

Claims 14-25, 40: Yoshitomi et al. discloses of a game machine wherein a method of controlling game play of the game comprises of establishing start-timing synchronization in the game, reading operation timing data previously defining an operation timing of operation switches to be operated by a player, in response when the game is synchronously started, having a display of the game machine display information about the operation timings of operation switches to be operated by the player based on operation timing data and storing data relating to the operation timings of operation switches operated by the player in response to the information displayed on display; acquiring, through communications, other data relating to the operation timings of operation switches operated by the player in other game machines; and evaluating, correlation among other game machines in terms of game operation based on its own data and other data (figures 4-5, and col. 11: 30-60, 12: 39-65, 15: 30-50).

Claim 41: Yoshitomi et al. discloses of a game machine, which evaluates a correlation among the game machines based on the determined absolute time lag and the determined relative time lag (col. 11: 30-60, 12: 39-65, 15: 30-50).

Claims 42-44: Yoshitomi et al. discloses a game machine system having multiple game machine having switches operated by users comprising of a display device to display information regarding the desired operation timings of switches (figure 4), determining an absolute time lag between the actual operation timings of the switches on the game machine by the first user and the desired operation timings of switches by the second user; and evaluating, a correlation of operation among the first and second users of the game machines (col. 11: 30-60, 12: 39-65, 15: 30-50).

#### ***Response to Arguments***

Applicant's arguments filed 9/18/07 have been fully considered but they are not persuasive.

The applicant argues that Yoshitomi et al. does not discloses all of the claimed limitations, especially Yoshitomi et al. fails to disclose "correlation evaluation section for evaluating correlation in terms of game operation with said game machine based on the data stored in the first operation timing storage and said second operation timing storage section." The examiner respectfully disagree with the applicant, Yoshitomi et al., clearly discloses of an evaluation means for evaluating correlation in terms of game play or game operation, based on the data stored in the first operation timing and the second operation timing storage (col. 9: 40-60, col. 10: 25-38, 64-68 & col. 11-12).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

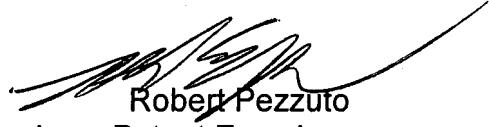
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is 571-272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP



Robert Pezzuto  
Supervisory Patent Examiner  
3714